

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

MDL No. 2804

This document relates to:  
*The Blackfeet Tribe of the Blackfeet Indian  
Reservation v. AmerisourceBergen Drug Corp.,  
et al.*  
Case No. 1:18-op-45749

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP., CARDINAL  
HEALTH, INC., AND McKESSON CORP.'S MOTION FOR LEAVE TO FILE  
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS UNDER SEAL**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) seek leave to file their Memorandum in Support of Distributors’ Motion to Dismiss First Amended Complaint (“Memorandum”) under seal. Distributors file this Motion and Proposed Order to ensure compliance with this Court’s Case Management Order Number Two: Protective Order, ECF Doc. 441 (hereinafter “Protective Order”).

Local Rule 5.2 states: “No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents.”

On May 15, 2018, the Court issued a Protective Order and stated:

Only Confidential or Highly Confidential portions of relevant documents are subject to sealing. To the extent that a brief, memorandum, or pleading references any document designated as Confidential or Highly Confidential, then the brief, memorandum or pleading shall refer the Court to the particular exhibit filed under seal without disclosing the contents of any confidential information. If, however, the confidential information must be intertwined within the text of the document, a party may timely move the Court for

leave to file both a redacted version for the public docket and an unredacted version for sealing.

Protective Order at ¶ 62.

Distributors' Memorandum will contain information that is subject to the Court's Protective Order. Therefore, Distributors respectfully request leave to file their Memorandum under seal, so there are no disclosures of Defendants' confidential information or information subject to the Protective Order.

WHEREFORE, Distributors respectfully requests this Honorable Court to grant Distributors' Motion for Leave to File Their Memorandum in Support of Motion to Dismiss Under Seal.

Dated: August 31, 2018

Respectfully submitted,

/s/ Robert A. Nicholas

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**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart  
Geoffrey E. Hobart